

REMARKS

This is in response to the Office Action mailed April 15, 2003.

In that Office Action, Claim 40 was rejected under 35 USC §112, first paragraph, on the grounds that it contained "new matter."

Claims 24, 26, 28, 31 and 39 were rejected under 35 USC §103(b) as being anticipated by U.S. Patent No. 5,468,378 to Chou.

Claims 25, 27, 33, 34, 40 and 41 were rejected under §103 as being unpatentable over Chou.

Claim 29 was objected to as being dependent upon a related base claim, but was deemed allowable if rewritten in independent form.

Claims 37 and 38 were also objected to as being dependent upon a rejected base claim, but also deemed allowable if rewritten in independent form.

Finally, Claims 25 and 33 were deemed to be allowable if amended to positively recite the presence of a photochemical agent in the recited container, and if further rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Turning first to the Examiner's rejection of Claim 40 under §112, first paragraph, Applicants respectfully submit that Claim

40, which recites a holder for temporarily holding "at least" the second container is not new matter. It is the position of the Patent Office that the specification only discloses a holder which holds both the second and third containers.

Applicants note that the disposable processing set described in the specification includes several different embodiments. In one embodiment, the disposable processing set includes a second container which houses the adsorbent material and a third container for storage. However, as described on page 27, lines 24-28, in an alternative embodiment, the disposable processing set may include a second container for housing the adsorbent material and for storing the biological fluid, "thereby combining the functions of container 210 and 214." Similarly, at page 24, lines 4-9, it is stated that the disposable processing set will include two or more plastic containers integrally connected by plastic tubing. Finally, the embodiment of Fig. 16 includes a "first" container 244, a "second" container 248 and a flow-through removal device 246 containing the adsorbent material.

Thus, two-container systems, three-container systems and two container systems with a flow-through device containing the adsorbent material represent some of the different embodiments of the present invention. Naturally, in the embodiment where the system includes two containers or two containers and a flow-

through device containing the adsorbent material, an additional "third" container would not be present and, therefore, necessarily would not be held in a holder. For these reasons, Applicants respectfully submit that Claim 40 does not recite new matter.

Turning now to the rejections based on 35 USC §102 and §103, Applicants have rewritten Claim 25 as an independent claim including a container with a photochemical agent temporarily contained therein, an openable flow path between the first container and the container with the photochemical agent, and the limitations of base Claim 24. Consequently, Claim 24 has been cancelled. All claims that were previously dependent on Claim 24 have now been made dependent on Claim 25.

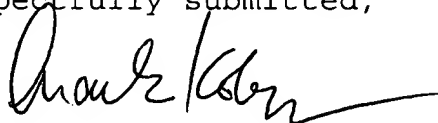
It is believed that for the reasons set forth in the Office Action, Claim 25 should now be allowed.

As for the Chou reference, that patent neither shows nor suggests the subject matter of Claim 25.

Finally, Applicants have amended the title to read, "Processing Set for Processing and Treating a Biological Fluid," in accordance with the Examiner's suggestion.

It is believed that all of the claims are now in condition for allowance. Reconsideration and allowance of the present claims are respectfully requested.

Respectfully submitted,



Andrew G. Kolomayets
Registration No. 33,723

COOK, ALEX, MCFARRON,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500